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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,059	06/09/2005	Koji Hashimoto	P28000	9217
52123 7590 04/03/2009 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER ADEGEYE, OLUWASEUN				
ART UNIT 2621		PAPER NUMBER		
NOTIFICATION DATE 04/03/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com

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Office Action Summary

Application No.

10/538,059

Applicant(s)

HASHIMOTO ET AL.

Examiner

OLUWASEUN A. ADEGEYE

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/09/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/09/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al (US 2003/0149886 A1).

As to **claim 1**, Ito discloses a data broadcast reproduction controller for controlling the reproduction of data broadcast including one or more data contents, comprising:

a receiver (102) that receives data content of data broadcast and related information attached to said data broadcast (see [051]);

a first storage (104) that stores the data content of the data broadcast received by said receiver (see [059] and [064]);

a reproducer (107) that reproduces the data content of the data broadcast stored in said first storage [056];

a control information creator (105) that creates control information for identifying the data content of the data broadcast based on given information included in the data content of the data broadcast received by said receiver or reproduced by said

reproducer and/or the related information ([060] - [064]);

a second storage that stores (110), during first reproduction by said reproducer, the data content of the data broadcast acquired from said first storage and control information corresponding to the data content (see [064]);

a determiner (105) that determines, during a second reproduction by said reproducer, whether or not the control information stored in said second storage and the control information corresponding to the data content of data broadcast to be reproduced coincide with each other (see [065]); and

a controller (105) that controls said reproducer to reproduce the data broadcast, using the data content stored in said second storage, when said determiner determines that the control information stored in said second storage and the control information corresponding to said data content of the data broadcast to be reproduced coincide with each other (see [091] – [093]).

As to **claim 2**, Ito discloses the data broadcast reproduction controller according to claim 1, wherein said control information creator creates control information based on given information included in the data content of the data broadcast received by said receiver and/or the related information, to store said created control information to said first storage (see [061] and [063]).

As to **claim 3**, Ito discloses the data broadcast reproduction controller according to claim 2, wherein said control information creator creates control information at the time of a change in at least some of the information of the data broadcast received by said receiver or at given update timing (see [013] and [061]).

As to **claim 4**, Ito discloses the data broadcast reproduction controller according to claim 2, wherein said control information creator stores, during said first reproduction by said reproducer, the data content of the data broadcast acquired from said first storage and the control information corresponding to the data content into said second storage (see [064]).

As to **claim 5**, Ito discloses the data broadcast reproduction controller according to claim 4, wherein said control information creator stores, at the time of a change in at least some of the information of the data broadcast reproduced during said first reproduction by said reproducer, the data content of the data broadcast acquired from said first storage and the control information corresponding to the data content into said second storage ([061] and [064]).

As to **claim 6**, Ito discloses the data broadcast reproduction controller according to claim 4, wherein said determiner determines, during said second reproduction by said reproducer, whether or not the control information stored in said second storage and the control information stored in said first storage coincide with each other (see [065]).

As to **claim 7**, Ito discloses the data broadcast reproduction controller according to claim 5, wherein said determiner determines, during said second reproduction by said reproducer, whether or not the control information stored in said second storage and the control information stored in said first storage coincide with each other (see [065]).

As to **claim 8**, Ito discloses the data broadcast reproduction controller according to claim 1, wherein said control information creator creates, during said first reproduction by said reproducer, control information based on given information included in the data

content of the data broadcast acquired from said first storage and/or the related information, to store the created control information into said second storage (see [085] – [093]).

As to **claim 9**, Ito discloses the data broadcast reproduction controller according to claim 8, wherein said control information creator stores, at the time of a change in at least some of the information of the data broadcast reproduced during said first reproduction by said reproducer, the data content of the data broadcast acquired from said first storage and the control information corresponding to the data content into said second storage (see [061]).

As to **claim 10**, Ito discloses the data broadcast reproduction controller according to claim 8, wherein said control information creator creates, during said second reproduction by said reproducer, control information based on given information included in the data content of the data broadcast acquired from said first storage and/or the related information [061]), and

said determiner determines, during said second reproduction by said reproducer, whether or not the control information stored in said second storage and the control information created by said control information creator coincide with each other (see [091] – [093]).

As to **claim 11**, Ito discloses the data broadcast reproduction controller according to claim 1, wherein said second reproduction includes reproduction at a different speed from that of said first reproduction (see [103] – [109]).

As to **claim 12**, Ito discloses the data broadcast reproduction controller

according to claim 1, wherein said given information included in the data content of data broadcast and/or the related information includes content-reference information described in a data script [061]).

As to **claim 13**, this claim is similar to claim 1 only in that the limitations "first reception by said receiver and second reception by said receiver " is additionally recited. Ito discloses first reception by said receiver (see [61]) and second reception by said receiver (see [065]).

As to **claim 14**, grounds for rejecting claim 3 apply to claim 14 in its entirety.

As to **claim 15**, Ito discloses the data broadcast reproduction controller according to claim 13, wherein said first reception takes place before a receiving channel is changed, and said second reception takes place after the receiving channel is changed (see [057]).

As to **claim 16**, grounds for rejecting claim 12 apply to claim 16 in its entirety.

As to **claim 17**, grounds for rejecting claim 1 apply to claim 17 in its entirety.

As to **claim 18**, grounds for rejecting claim 13 apply to claim 18 in its entirety.

As to **claim 19**, grounds for rejecting claim 1 apply to claim 19 in its entirety.

As to **claim 20**, grounds for rejecting claim 13 apply to claim 20 in its entirety.

As to **claim 21**, grounds for rejecting claim 1 apply to claim 21 in its entirety.

As to **claim 22**, grounds for rejecting claim 13 apply to claim 22 in its entirety.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUWASEUN A. ADEGEYE whose telephone number is (571)270-1711. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

03/26/2009
/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621
/O.A/

